

INITIATIVE 202

I, Ralph Munro, Secretary of State of the State of Washington and custodian of its seal, hereby certify that, according to the records on file in my office, the attached copy of Initiative Measure No. 202 to the Legislature is a true and correct copy as it was received by this office.

1 AN ACT Relating to elected, appointed, and management officials;
2 amending RCW 50.32.010; reenacting and amending RCW 9A.04.080; adding
3 a new section to chapter 43.03 RCW; adding a new section to chapter
4 41.40 RCW; adding a new section to chapter 41.04 RCW; adding a new
5 section to chapter 42.04 RCW; creating new sections; and prescribing
6 penalties.

7 BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

8 NEW SECTION. **Sec. 1.** A new section is added to chapter 43.03 RCW
9 to read as follows:

10 The salary of any elected or appointed official of the state of
11 Washington may not exceed four times the average annual income for the
12 citizens of the state of Washington as defined by the World Almanac.

13 **Sec. 2.** RCW 9A.04.080 and 1995 c 287 s 5 and 1995 c 17 s 1 are
14 each reenacted and amended to read as follows:

15 (1) Prosecutions for criminal offenses shall not be commenced after
16 the periods prescribed in this section.

17 (a) The following offenses may be prosecuted at any time after
18 their commission:

1 (i) Murder;

2 (ii) Homicide by abuse;

3 (iii) Arson if a death results;

4 (iv) Any felony, misdemeanor, or violation of chapter 49.60 RCW
5 committed by an elected, appointed, or management official against an
6 employee.

7 (b) The following offenses shall not be prosecuted more than ten
8 years after their commission:

9 (i) Any felony committed by a public officer if the commission is
10 in connection with the duties of his or her office or constitutes a
11 breach of his or her public duty or a violation of the oath of office;

12 (ii) Arson if no death results; or

13 (iii) Violations of RCW 9A.44.040 or 9A.44.050 if the rape is
14 reported to a law enforcement agency within one year of its commission;
15 except that if the victim is under fourteen years of age when the rape
16 is committed and the rape is reported to a law enforcement agency
17 within one year of its commission, the violation may be prosecuted up
18 to three years after the victim's eighteenth birthday or up to ten
19 years after the rape's commission, whichever is later. If a violation
20 of RCW 9A.44.040 or 9A.44.050 is not reported within one year, the rape
21 may not be prosecuted: (A) More than three years after its commission
22 if the violation was committed against a victim fourteen years of age
23 or older; or (B) more than three years after the victim's eighteenth
24 birthday or more than seven years after the rape's commission,
25 whichever is later, if the violation was committed against a victim
26 under fourteen years of age.

27 (c) Violations of the following statutes shall not be prosecuted
28 more than three years after the victim's eighteenth birthday or more
29 than seven years after their commission, whichever is later: RCW
30 9A.44.073, 9A.44.076, 9A.44.083, 9A.44.086, 9A.44.070, 9A.44.080,
31 9A.44.100(1)(b), or 9A.64.020.

32 (d) The following offenses shall not be prosecuted more than six
33 years after their commission: Violations of RCW 9A.82.060 or
34 9A.82.080.

35 (e) The following offenses shall not be prosecuted more than five
36 years after their commission: Any class C felony under chapter 74.09,
37 82.36, or 82.38 RCW.

38 (f) Bigamy shall not be prosecuted more than three years after the
39 time specified in RCW 9A.64.010.

1 (g) No other felony may be prosecuted more than three years after
2 its commission.

3 (h) No gross misdemeanor may be prosecuted more than two years
4 after its commission.

5 (i) No misdemeanor may be prosecuted more than one year after its
6 commission.

7 (2) The periods of limitation prescribed in subsection (1) of this
8 section do not run during any time when the person charged is not
9 usually and publicly resident within this state.

10 (3) If, before the end of a period of limitation prescribed in
11 subsection (1) of this section, an indictment has been found or a
12 complaint or an information has been filed, and the indictment,
13 complaint, or information is set aside, then the period of limitation
14 is extended by a period equal to the length of time from the finding or
15 filing to the setting aside.

16 NEW SECTION. **Sec. 3.** A new section is added to chapter 41.40 RCW
17 to read as follows:

18 An elected, appointed, or management official may have his or her
19 rights under this chapter reduced or revoked for any felony,
20 misdemeanor, or violation of chapter 49.60 RCW committed against an
21 employee.

22 NEW SECTION. **Sec. 4.** A new section is added to chapter 41.04 RCW
23 to read as follows:

24 Managers may be required to take a polygraph to determine if they
25 have ever falsified a document, time sheet, or per diem report or given
26 false reports to the legislature or the press. The work history and
27 job application of any manager who fails the polygraph test shall be
28 immediately investigated for crimes or misrepresentations. Proof of
29 these violations shall be grounds for immediate dismissal upon
30 conviction or verification.

31 NEW SECTION. **Sec. 5.** A new section is added to chapter 42.04 RCW
32 to read as follows:

33 The state shall recover wasted funds from elected, appointed, and
34 management officials. A panel of seven citizens chosen at random from
35 the juror pool shall oversee the process of recovering wasted funds.
36 The panel shall:

1 (1) Determine if there is waste and the amount for which each
2 official is liable; and
3 (2) Direct the state auditor to recover the wasted amount from the
4 official's pay, pension, personal property, or other assets.

5 **Sec. 6.** RCW 50.32.010 and 1981 c 67 s 30 are each amended to read
6 as follows:

7 The commissioner shall establish one or more impartial appeal
8 tribunals, each of which shall consist of (~~(an administrative law judge~~
9 ~~appointed under chapter 34.12 RCW))~~ a panel of three citizens chosen at
10 random from the jury pool who shall decide the issues submitted to the
11 tribunal. No administrative law judge may hear or decide any disputed
12 claim (~~((in any case in which he is an interested party))~~). Wherever the
13 term "appeal tribunal" or "the appeal tribunal" is used in this title
14 the same refers to an appeal tribunal established under the provisions
15 of this section. Notice of any appeal or petition for hearing taken to
16 an appeal tribunal in any proceeding under this title may be filed with
17 such agency as the commissioner may by regulation prescribe.

18 NEW SECTION. **Sec. 7.** The legislature shall establish and fund
19 grand jury capabilities.

20 NEW SECTION. **Sec. 8.** Section 2 of this act applies retroactively
21 to acts committed within the past fifty years.

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